

U.S. Patent Application Serial No. 09/941,984
Amendment filed March 7, 2005
Reply to OA dated December 7, 2004

REMARKS

Claims 4 and 58 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicants regard as their invention. The applicants respectfully submit that no new matter has been added.

Allowable Subject Matter

At the outset the applicant wishes to thank the Examiner for allowing Claims 19, 60, 62, 63 and 71. Further, claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claim 4 has been rewritten in independent form. Therefore, allowance of claim 4 is respectfully requested.

Objection to the Drawings

The drawings are objected to for failing to show the feature recited in claim 58. Specifically, the Examiner asserts that the drawings fail to show “at least one image taking means being made on the final image surface of said image transmitting optical system”. The Examiner’s objection to the drawings is respectfully traversed.

For Example, in Figure 9, there are disclosed the image taking means 23a and 23b provided on the final (curved) image surface 10c of the image transmitting optical system 22c. Since the

U.S. Patent Application Serial No. 09/941,984
Amendment filed March 7, 2005
Reply to OA dated December 7, 2004

reference numeral 10a and 10b indicate the final image, the surface on which they are is the final surface.

Hence, it is improper for the Examiner to object to the drawings as regards to claim 58. Therefore, withdrawal of the objection to the drawings is respectfully requested.

Claim Objection

Claim 61 is objected to due to the phrase “an adapter optical system reform the final images”. Claim 61 is canceled. Therefore, withdrawal of the objection to claim 61 is respectfully requested.

35 USC §112, First Paragraph Rejection

Claim 58 is rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner’s rejection is respectfully traversed.

As previously discussed, in Figure 9, there are disclosed the image taking means 23a and 23b provided on the final (curved) image surface 10c of the image transmitting optical system 22c. Since the reference numeral 10a and 10b indicate the final image, the surface on which they are is the final surface.

Therefore, withdrawal of the rejection of Claim 58 under 35 USC §112, first paragraph, is respectfully requested.

U.S. Patent Application Serial No. **09/941,984**
Amendment filed March 7, 2005
Reply to OA dated December 7, 2004

35 USC §112, Second Paragraph Rejections

Claims 58 and 61 are rejected under 35 USC §112, second paragraph as being indefinite. Specifically, the Examiner is objecting to the phrase “the final image surface” in claim 58 and “the final images” in claim 61. Taking the Examiner’s comments into consideration claim 58 has been amended and claim 61 has been canceled. Therefore, withdrawal of the rejection of Claims 58 and 61 under 35 USC §112, second paragraph, is respectfully requested.

Claims Rejections under 35 USC §102

Claims 1 and 2 are rejected under 35 USC §102(e) as being anticipated by Takahashi (U.S. Patent No. 5,522,789).

Claims 1 and 2 have been canceled. Therefore, withdrawal of the rejection of Claims 1 and 2 under 35 USC §102(e) as being anticipated by Takahashi (U.S. Patent No. 5,522,789) is respectfully requested.

Claim 61 is rejected under 35 USC §102(e) as being anticipated by Akui et al. (U.S. Patent No. 5,577,991).

Claim 61 has been canceled. Therefore, withdrawal of the rejection of Claim 61 under 35 USC §102(e) as being anticipated by Akui et al. (U.S. Patent No. 5,577,991) is respectfully requested.

U.S. Patent Application Serial No. 09/941,984
Amendment filed March 7, 2005
Reply to OA dated December 7, 2004

Claims Rejections under 35 USC §103

Claim 59 is rejected under 35 USC §103(a) as being unpatentable over Akui et al. (U.S. Patent No. 5,577,991).

The present invention is an endoscope having a light projecting means (3), two objective optical systems (21 a, 21 b) and a relay optical system (22) composed of three relay lens systems (22 a, 22 b, 22 c).

Akui et al. describes an endoscope that takes two images and relay them through two relay optical systems (44 a, 44 b) through a rigid insertional part (46).

Akui neither discloses an objective optical system in which the Petzval sum is the negative one nor discloses an objective optical system to form two images at the spatially separate positions.

Therefore, claim 59 patentably distinguishes over the prior art relied upon by reciting,

“A stereoendoscope comprising: an elongate inserted section; an illuminating light projecting means projecting an illuminating light from the distal end side of the inserted section; an objective optical system arranged on the distal end side of said inserted section and forming plural images having a parallax between each other respectively in spatially separated positions for the object illuminated by said illuminating light; and one image transmitting optical system transmitting said plural images, wherein the petzval sum of said objective optical system is a negative value.”
(Emphasis Added)

Therefore, withdrawal of the rejection of Claim 59 under 35 USC §103(a) as being unpatentable over Akui et al. (U.S. Patent No. 5,577,991) is respectfully requested.

U.S. Patent Application Serial No. 09/941,984
Amendment filed March 7, 2005
Reply to OA dated December 7, 2004

Conclusion

In view of the aforementioned amendments and accompanying remarks, claims 4 and 58, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



George N. Stevens
Attorney for Applicant
Reg. No. 36,938

GNS/nrp
Atty. Docket No. **950088B**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE